

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ANTHONY CROSS,

Petitioner,

vs.

RENEE BAKER, et al.,

Respondents.

Case No. 3:14-cv-00434-RCJ-VPC

ORDER

The court dismissed grounds 4, 5, and 7 of the petition (#4) before directing respondents to file a response. Order (#3). Before the court are petitioner's motion to alter or amend judgment (#7), respondents' opposition (#10), and petitioner's reply (#12). Petitioner asks the court to reconsider the dismissal of grounds 4 and 5. The court agrees with respondents that Rule 59 of the Federal Rules of Civil Procedure is inapplicable; the court did not enter judgment, and thus there is no judgment to alter or amend. The court also sees no reason to revisit its dismissal of grounds 4 and 5. Its ruling that petitioner has no constitutionally protected right to an administrative appeal from a prison disciplinary proceeding is a correct statement of law, and the petition itself shows that petitioner received a form that he alleged he did not receive.

Petitioner has filed a notice of interlocutory appeal (#8) and a request for issuance of certificate of appealability (#9). The court did not authorize an interlocutory appeal, and the court will not issue a certificate of appealability.

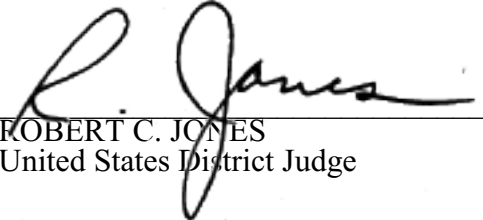
Respondents have submitted a motion for enlargement of time to respond to petitioner's petition for writ of habeas corpus (#11). The court grants this motion.

1 IT IS THEREFORE ORDERED that petitioner's motion to alter or amend judgment (#7) is
2 **DENIED.**

3 IT IS FURTHER ORDERED that petitioner's request for issuance of certificate of
4 appealability (#9) is **DENIED.**

5 IT IS FURTHER ORDERED that respondents' motion for enlargement of time to respond to
6 petitioner's petition for writ of habeas corpus (#11) is **GRANTED.** Respondents shall have through
7 January 7, 2015, to file and serve an answer or other response to the petition (#9).

8 Dated: This 30th day of December, 2014.

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12 ROBERT C. JONES
13 United States District Judge
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